



Chapter 7.0

LIST OF MITIGATION MEASURES AND ENVIRONMENTAL DESIGN CONSIDERATIONS



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7.1 List of Mitigation Measures

7.1.1 Mitigation for Impacts to Air Quality

No mitigation measures were identified to reduce significant direct and cumulative air quality impacts to less than significant.

7.1.2 Mitigation for Impacts to Biological Resources

The following mitigation measures would reduce significant direct, indirect and cumulative biological resource impacts to less than significant levels:

- M-BI-1:** The Project Applicant shall acquire and preserve a 15.4-acre parcel known as the Attisha Trust parcel (Figure 2.4-2). A conservation easement shall be placed over the land and a one-time endowment shall be provided by the Project Applicant to be used for perpetual management of the Attisha Trust parcel. In addition, although no impacts to burrowing owl are anticipated, the Project Applicant shall install of five artificial burrowing owl burrows on the Attisha Trust parcel to improve the habitat value for this species. Enhancement of the mitigation parcel for burrowing owl use shall be performed pursuant to the Enhancement Plan contained in Appendix E.2 of the SEIR. Each burrow will contain two nesting chambers with separate entrances. The County Department of Parks and Recreation shall accept the Attisha Trust parcel in fee title along with the endowment to manage the parcel in perpetuity following installation of fencing (six-foot vinyl chain link fence) and burrows.
- M-BI-2:** No grading or clearing shall occur within 500 feet of tree-nesting raptor habitat during the tree-nesting raptor breeding season (January 15 through July 15 or until all nesting is complete) or within 800 feet of ground-nesting raptor habitat during the ground-nesting raptor breeding season (February 1 through July 15 or until all nesting is complete). If clearing or grading is planned to begin during the raptor breeding season, the Director of Planning and Land Use may waive this condition, through written concurrence from the U.S. Fish and Wildlife Service and the California Department of Fish and Game, if no raptors or nesting/breeding birds are present in the vicinity of the brushing, clearing or grading. A pre-construction survey shall be conducted to determine if breeding or nesting raptors occur within impact areas. If there are no raptors nesting (includes nest building or other breeding/nesting behavior) within this area, clearing or grading shall be allowed to proceed. However, if any of these birds are observed nesting or displaying breeding/nesting behavior within the area, clearing or grading shall be postponed until all nesting (or breeding/nesting behavior) has ceased.

- M-BI-3:** No grading, clearing, or construction activities shall occur within 300 feet of vegetated habitat during the breeding season for migratory birds (February 1 through September 15). The Director of Planning and Land Use may waive this condition, through written concurrence from the U.S. Fish and Wildlife Service and the California Department of Fish and Game, if no raptors or nesting/breeding birds are present in the vicinity of the brushing, clearing or grading., Surveys shall be conducted by a qualified biologist to determine the presence or absence of nesting migratory birds on the project site. .

7.1.3 Mitigation for Impacts to Climate Change

The following mitigation measure would reduce significant cumulative climate change impact to less than significant.

- M-CC-1: CLIMATE CHANGE: [DPLU, PCC] [DPR, TC] [DGS, RP] [BP, UO] [DPLU, FEE X 2]. Intent:** In order to reduce the project's cumulative impact on climate change to less than significant, at least 25% of the gross leasable floor area within the project shall be required to achieve energy efficiency 15% above the level required by the applicable 2008 California Title 24 Energy Efficiency Standards. This will bring the project's greenhouse gas emissions to 28.3% below Business As Usual and achieve 1990 levels in accordance with AB32 (CARB Scoping Plan, 2008). **Description of Requirement:** The energy efficiency of the buildings specified on the approved Site Plan, comprising 25% of the gross leasable space, shall adopt additional energy conservation measures in order to surpass the 2008 California Title 24 Energy Efficiency Standards by at least 15%. Potential measures to be taken may include, but are not limited to:

1. Building Envelope: Designing roof, walls, and fenestration assemblies to exceed the maximum U-factors prescribed by Title 24 to reduce heating, ventilation, and air conditioning system loads.
2. Lighting: Designing indoor and outdoor lighting with lower lighting power densities.
3. Mechanical: Install cooling systems that are Energy Star certified and exceed the minimum efficiency requirements of Title 24 to reduce cooling energy use.

Documentation: The Project Applicant shall prepare Title 24 Compliance Reports documenting the additional 15% energy efficiency and submit them to [DPLU, PCC] for approval. **Timing:** Prior to issuance of the building permit for each of the buildings listed as "Buildings that will exceed Title 24 Energy Efficiency Standards by 15%" on the approved Site Plan, the Title 24 Compliance Report shall be submitted. **Monitoring:** The [DPLU, PCC] shall review the Title 24 Compliance Report for compliance with this condition.

7.1.4 Mitigation for Impacts to Cultural Resources

The following mitigation measure would reduce significant direct cultural resource impacts to less than significant.

M-CR-1: Direct impacts to buried, previously unrecorded cultural resources would be mitigated through the implementation of a grading monitoring program. The monitoring program shall be in accordance with the County of San Diego Significance Guidelines and shall include:

1. Providing evidence that a County approved archaeologist has been contracted to implement the monitoring program.
2. A Native American monitor.
3. Attending pre-grading meetings to explain and coordinate the requirements of the monitoring program.
4. Monitoring all areas identified for development including off-site improvements.
5. Documentation of isolates and non-significant deposits.
6. Diverting or temporarily halting disturbance operations in the area of any discovery of potentially significant cultural resources to allow evaluation and significance determination.
7. Consultation with the County staff archaeologist at time of discovery to determine the significance of the cultural resources.
8. Preparation of a Research Design and Data Recovery Program for significant cultural resources.
9. Contacting the County Coroner in the event that human bones are discovered.
10. Contacting the Native American Heritage Commission, in the event that human remains are determined to be of Native American origin. The Most Likely Descendant shall be contacted to determine proper treatment and disposition of the remains.
11. Curation of associated records and all artifacts collected as part of the grading monitoring program.
12. Preparation of a final report documenting the field and any analysis results.

7.1.5 Mitigation for Impacts to Paleontological Resources

The following mitigation measure would reduce significant direct paleontological resource impacts to less than significant.

M-PI-1: Prior to obtaining a grading permit, the Project Applicant shall implement a Monitoring and Resource Recovery Program (MRRP) to mitigate potential impacts to buried paleontological resources encountered on the project site during grading. In addition, the text of this mitigation measure shall be contained in the notes of the Grading Plan.

The MRRP shall be approved by the Director of DPLU and shall include the following:

1. The Project Applicant shall provide evidence to the satisfaction of the Director of DPLU that a County-certified paleontologist has been contracted to implement a grading MRRP before commencing grading.
2. The County-certified paleontologist shall attend a pre-grading meeting with the contractors to explain and coordinate the requirements of the monitoring program.
3. The Project Paleontologist shall monitor all areas identified for development, including off-site improvements.
4. An adequate number of monitors shall be present to ensure that all earthmoving activities are observed and shall be on site during all grading activities for areas to be monitored.
5. During the original cutting of previously undisturbed deposits, the paleontological monitor(s) shall be on site full time to perform full-time monitoring. Inspections will vary based on the rate of excavation, the materials excavated and the presence and abundance of fossils. The frequency and location of inspections will be determined by the Project Paleontologist.
6. Isolated fossils shall be minimally documented in the field, and the monitored grading can proceed.
7. In the event that significant paleontological resources are discovered, the paleontological monitor(s) shall have the authority to divert or temporarily halt ground disturbance operations in the area of discovery to allow evaluation of the resources. The Project Paleontologist shall contact the County at the time of discovery and, in consultation with the County, determine the significance of the discovered resources. The County must concur with the evaluation before construction activities will be allowed to resume in the affected area. For significant resources, a Research Design and Resource Recovery Program to mitigate impacts shall be prepared by the Project Paleontologist and approved by the County, then carried out using professional paleontological methods.
8. Before construction activities are allowed to resume in the affected area, the resources shall be recovered recorded using professional paleontological methods. The Project Paleontologist shall determine the amount of material to be recovered.
9. In the event that paleontological resources are discovered, all material collected during the grading monitoring program shall be processed and curated. The collections and associated records shall be transferred, including title, to an appropriate curation facility within San Diego County, to be accompanied by payment of the fees necessary for permanent curation. Evidence shall be in the form of a letter from the curation facility identifying that paleontological materials have been received and that all fees have been paid.

10. Monthly status reports shall be submitted to the Director of DPLU starting from the date of the notice to proceed to termination of implementation of the grading monitoring program. The reports shall briefly summarize all activities during the period and the status of progress on overall plan implementation. Upon completion of the implementation phase, a final report shall be submitted describing the plan compliance procedures and site conditions before and after construction.
11. In the event that paleontological resources are discovered, a report documenting the field and analysis results and interpreting the recovered resources within the research context shall be completed and submitted to the satisfaction of the Director of DPLU prior to the issuance of any building permits.
12. Prior to occupancy or use of the premises, the Project Applicant shall complete and submit to the satisfaction of the DPLU, a final report that documents the results, analysis, and conclusions of all phases of the MRRP. It shall also include evidence that all resources collected during the grading monitoring program have been curated.
13. In the event that no paleontological resources are discovered in the course of monitoring, a brief letter to that effect shall be sent to the DPLU by the Project Paleontologist that the grading monitoring activities have been completed.

7.1.6 Mitigation for Impacts to Traffic

The following mitigation measures would reduce some but not all of the significant direct and cumulative traffic impacts to less than significant.

Mitigation for Direct Project Impacts

M-TR-1: Prior to issuance of building permits, Phase 1A of SR-905 shall be completed.

M-TR-2: If not completed by another development, ensure the following intersection improvements are implemented to the satisfaction of the County of San Diego and City of San Diego Departments of Public Works and, if applicable, Caltrans: Signalize when warrants are met and widen the intersection to provide the following lane configuration: two eastbound left-turn lanes; one eastbound through lane; one eastbound shared through-right lane; one westbound left-turn lane, one westbound through lane, one westbound shared through-right lane; one northbound shared left-through-right lane; one southbound shared left-through lane; and two southbound right-turn lanes.

The Project Applicant shall conduct and submit a detailed signal warrant analysis prior to issuance of the first building permit. The signal shall be installed when warrants are met. Prior to the issuance of the first building permit of the Project, the Project Applicant shall either (i) have constructed intersection improvements, or

(ii) entered into a secured agreement with the City and, if applicable, Caltrans to construct the improvements. If an agreement is entered into with the City and, if applicable, Caltrans, the agreement should specify that the improvements be operational prior to issuance of building permits. (Infeasible to guarantee completion)

M-TR-3: If not completed by another development, ensure the following intersection improvements are implemented to the satisfaction of the County of San Diego and City of San Diego Departments of Public Works: Signalize when warrants are met and widen the intersection to provide the following lane configuration: one eastbound shared left-through-right lane; one westbound left-turn lane, one westbound through lane, one westbound right-turn lane; one northbound left-turn lane; one northbound shared through-right lane; one southbound shared left-through lane; and one southbound right-turn lane.

The Project Applicant shall conduct and submit a detailed signal warrant analysis prior to issuance of the first building permit. The signal shall be installed when warrants are met. Prior to the issuance of the first building permit of the Project, the Project Applicant shall either (i) have constructed intersection improvements, or (ii) entered into a secured agreement with the City to construct the improvements. If an agreement is entered into with the City, the agreement should specify that the improvements be operational prior to issuance of building permits. (Infeasible to guarantee completion)

Mitigation for Cumulative (2020) Project Impacts

M-TR-3: Refer to measure above.

M-TR-4: Prior to issuance of building permits, the Project Applicant shall pay the County's Traffic Impact Fee (TIF) toward the signalization and widening of the Airway Road/Paseo de las Americas intersection to provide the following lane configurations: signalization; one eastbound left-turn lane; one eastbound through lane; one eastbound shared through-right lane; one westbound left-turn lane; one westbound through lane; one westbound shared through-right lane; one northbound shared left-through lane; one northbound right-turn lane; and one southbound left-through-right turn lane.

As discussed in Section 2.1, traffic mitigation measure M-TR-2 and M-TR-3 may not be feasible to complete because the mitigation is located or partially located in the City of San Diego and the City of San Diego could potentially not approve the mitigation. Refer to Section 2.1.6, Conclusion, for more information.

7.1.7 Mitigation for Impacts to Aesthetics

The landscape plan will be revised prior to final approval to implement the following mitigation measure to reduce aesthetics of the pylon sign in the southwest corner of the project to a level less than significant.

M-AE-1: In order to reduce the project's direct impact on visual impacts, the Project Applicant will be required to submit and implement an enhanced landscape plan that complements the height and scale of sign A2 and reduces its visual impact to the satisfaction of the Director of Planning and Land Use by incorporating the following elements:

1. The landscape plan shall include tall shrubs surrounding sign A2 to block views of the sign's pylon base and reduce the sign's apparent height as seen from Otay Mesa Road and the SR-125 on-ramp. These shrubs shall be selected and maintained such that they would not obscure the actual signage area.
2. The landscape plan shall include at least three 48" box Canary Island pine trees located around sign A2, with two trees north of the sign and one tree south of the sign, to complement the height and scale of the sign without significantly obscuring its visibility from Otay Mesa Road or SR-125.
3. The final selection of perimeter screening trees along SR-125 shall include Canary Island pine trees, especially near signs A1 and A2.

7.2 List of Environmental Design Considerations

7.2.1 Air Quality (Construction) Project Design Measures

Consistent with the EOMSP EIR, the project will implement the following design measures during construction to minimize construction emissions:

- Adhere to best management practices which include the application of water on disturbed soils three times per day (3.2-hour watering interval), covering haul vehicles, replanting disturbed areas as soon as possible and restricting vehicle speeds to 15 mph or less, to control fugitive dust.
- During construction activities, construction equipment shall be properly maintained to ensure proper timing and tuning of engines. Equipment maintenance records and equipment design specifications data sheets shall be kept onsite during construction activity.
- During construction activities, contractor shall ensure that all equipment onsite will not idle for more than 5 minutes.
- Contractor shall ensure use of low-sulfur diesel fuel in construction equipment, as required by CARB.
- Project Applicant shall ensure that rough grading will not overlap with other phases of construction (i.e., paving, undergrounding, building and architectural coatings).
- Use low VOC paint.

In addition, the design of the proposed project includes several features which would reduce air emissions by encouraging alternatives to the automobile including:

- Sidewalks and internal pedestrian walkways would be provided throughout the center to encourage people to walk between stores.
- Bicycle parking would be provided to encourage people to access the center on bicycle.
- Preferred carpool/vanpool parking would be provided for employees.

7.2.2 Geology/Soils Project Design Measures

The following recommendations from the Geotechnical Report prepared for the project (Appendix F of the SEIR) would be included as part of the proposed project to avoid significant geology/soils impacts.

- Expansive soils shall be remediated in accordance with the recommendations contained in the geotechnical report. Remediation may include replacement with non-expansive material or addition of lime to stabilize existing soil.
- All grading and earthwork shall be performed in accordance with the Grading Ordinance of the County of San Diego, except as modified by the recommendations of the geotechnical report.
- General site clearing shall include removal of vegetation and existing pavement, utilities; structures; including foundations basement walls and floors; existing stockpiled soil; trees and associated root systems; rubble; rubbish; and any loose and/or saturated materials to a minimum depth of two to four inches, or until all organics in excess of three percent by volume are removed. Excavations that result from clearing operations should be backfilled with Engineered Fill. A Geotechnical Engineer shall be present during site clearing operations.
- If earthwork is performed during or soon after periods of precipitation, remedial measures including: discing and aerating the soil during dry weather; mixing the soil with dryer materials; removing and replacing the soil with an approved fill material; or mixing the soil with an approved lime or cement product shall be conducted to prevent subgrade soils from becoming saturated, "pump," or not respond to densification techniques.
- Building pad areas shall be over-excavated and compacted to a minimum depth of three feet below existing grades or 1.5 feet below bottom of the proposed footings, whichever is deeper. The over-excavation and recompaction should also extend laterally a minimum of five feet beyond edges of the proposed footings or building perimeter. Any undocumented fill encountered during grading should be removed and replaced with engineered fill.
- Prior to placement of fill soils, the upper eight inches of native subgrade soils shall be scarified, moisture-conditioned to near optimum moisture content, and recompact to a minimum of 90 percent of the maximum dry density based on ASTM D1557-00 Test Method.
- The ground surface shall slope away from building and pavement areas toward appropriate drop inlets or other surface drainage devices. Roof drains shall be designed to avoid discharging into landscape areas adjacent to the buildings.

7.2.3 Airport Safety Project Design Measures

In accordance with these recommendations of the Airport Handbook and as outlined in Chapter 1.0, the project will include the following building design features in any building located with SZ 2:

- Limited number and size of windows;
- No skylights;
- Single-story height; and
- Concrete walls.

7.2.4 Hydrology/Water Quality Project Design Measures

The following recommendations from the Drainage Report and Preliminary Stormwater Management Plan prepared for the project (Appendices J and K of the SEIR) would be included as part of the proposed project to avoid significant hydrology/water quality impacts.

- The proposed project construction may include the following construction BMPs: silt fencing, fiber rolls, street sweeping, inlet protection, stockpile management, dewatering operations, proper vehicle care, desilting basin, gravel bags, sandbags, proper material delivery and storage, spill prevention and control, concrete waste management, water conservation, proper paving and grinding operations, and protection of graded slopes.
- The project would also include post-construction site design, source control and treatment control BMPs.
- Specific site design BMPs identified in the project SWMP include: (1) minimizing the project's impervious areas; (2) draining rooftops, impervious sidewalks, walkways and patios into adjacent landscaping as much as possible; (3) incorporating native or drought-tolerant landscaping varieties to maximize soil stabilization; (4) incorporating unlined facilities (i.e., vegetated swales and parking lot landscaping) into the project drainage system to provide filtering and infiltration capacity; (5) installing energy dissipaters to reduce flow velocities and erosion potential; and (6) minimizing cut and fill areas and incorporating other related techniques to limit and control erosion.
- Specific source control BMPs are identified in the project SWMP including: (1) installing "no dumping" stencils/tiles and/or signs at applicable locations (e.g., storm drain inlets); (2) providing paved, enclosed and/or covered areas for trash storage, with weekly trash pick-up and off-site disposal; (3) using landscape and irrigation system design measures as previously described to increase efficiency, and reduce water use, irrigation runoff and chemical application requirements; (4) prohibiting direct connections to storm drains from depressed loading docks (truck wells); (5) implementing integrated pest management (IPM) techniques to reduce chemical applications (e.g., biological pest control); (6) providing self-contained or covered equipment wash areas, each equipped with clarifiers, grease traps or other pretreatment facilities, as appropriate, and properly connected to a sanitary sewer; and (7) incorporating landscaping which is linked to the project drainage system in parking areas.
- Specific treatment control BMPs identified in the project SWMP include bio-filtration (vegetated) swales, catch basin filter inserts, and a baffle separator.

7.2.5 Noise Design Measures

The project would include an eight-foot screening wall around the loading dock to the north of the anchor. This screening wall would reduce stationary noise from the loading dock, truck deliveries, trash compactor and back-up generator.

7.2.6 Public Services/Utilities Project Design Measures

The following design measures would be included as part of the proposed project to avoid significant public services/utilities impacts.

- Site and building design will integrate water conservation measures mandated by the CBC, OWD and/or the San Diego County Water Authority.
- The project will utilize “weather smart clocks” that will monitor conditions and provide irrigation only when necessary.
- The project will utilize low flow toilets and water saving fixtures to minimize water demands.
- The project will encourage recycling by providing facilities that will accommodate the recycling needs of the tenants.
- The project will aim to reduce the amount of waste generated from construction by 50%.
- Recycled content material will be highly encouraged.
- Building materials that are harvested and manufactured within 500 miles will be highly encouraged.

Inclusion of the following sewer service project condition:

SEWER SERVICES: [DPLU, REG] [DPW, WW] [BP, GP, IP, UO] [DPLU, FEE].

The developer shall assure the availability of sewer services to serve the proposed development by means of one of the following methods:

In the event the project precedes establishment of a Community Facilities District (CFD).

Prior to the recordation of a final parcel map, the developer shall execute a covenant, provided by the City of San Diego, to participate in, and not object to, the formation of a Community Facilities District or other mechanism, to fund or reimburse the construction of the improvement phases, as identified in the Otay Mesa Trunk Sewer Infrastructure Upgrades Cost Estimate and Constructability Review (Brown and Caldwell) dated June 9, 2009. The developer shall secure performance of this obligation by recording the covenant with the County Recorder with a copy to the City.

In the event where a CFD is already established:

Prior to the recordation of a final parcel map, the developer shall annex into the Community Facilities District to fund or reimburse the construction of the improvement phases, as identified in the Otay Mesa Trunk Sewer Infrastructure Upgrades Cost Estimate and Constructability Review (Brown and Caldwell) dated June 9, 2009. The developer

shall secure performance of this obligation by recording the annexation with the County Recorder with a copy to the City of San Diego.

Inclusion of the following law enforcement project condition:

LAW ENFORCEMENT SERVICES: [DPLU, REG] [SHERIFF] [BP, GP, IP, UO] [DPLU, FEE].

Intent: In order to provide adequate law enforcement services in compliance with the County General Plan and the Public Facilities Element (Section 2.4.7) of the East Otay Mesa Specific Plan, a Sheriff's Substation facility shall be established.

Description of Requirement: Annex into CFD #09-01 (East Otay Mesa) to fund the formation of the CFD and the construction of both the interim Sheriff's Substation and the permanent Sheriff's Substation, including, but not limited to, the land acquisition costs associated with the permanent Substation, development costs associated with both Substations, and any land rental costs associated with the interim Substation, as described below:

- a. Permanent Sheriff Substation. Either alone or in conjunction with other developers similarly conditioned,
 - (1) Acquire and dedicate to the County of San Diego, or obtain an irrevocable commitment for conveyance to the County, at no cost to the County, a parcel of land suitable in size, location and configuration for a Sheriff's Substation to satisfaction of the County of San Diego Sheriff's Department.
 - (2) At such time as the Sheriff's Department determines that the Permanent Sheriff Substation is needed, obtain all required discretionary and ministerial permits for and construct or provide a permanent building of approximately 6,000 square feet and associated improvements determined to be necessary and adequate by the County of San Diego Sheriff's Department for a "turn key" Sheriff's Substation facility. The associated improvements include, but are not limited to, building and building fixtures, tenant improvements suitable for a Sheriff substation, signage, office furniture, security systems, parking, landscaping, lighting, fencing, and all utility and service connections. The associated improvements shall not include office equipment such as computers, printers, telephones, or radio equipment. Program requirements for the substation facility shall be provided by the County. Developer shall obtain County's approval of the design and specifications prior to construction of the substation facility.

- b. Interim Sheriff Substation. Either alone or in conjunction with other developers similarly conditioned, until such time as a permanent facility, satisfactory to the Sheriff's Department, is ready for occupancy, provide a temporary site and facility (e.g., an office trailer or equivalent with appropriate fixtures and office furniture) suitable to accommodate Sheriff Department personnel, vehicles and equipment. The capital costs of this temporary facility shall be provided at no cost to the County of San Diego.

Documentation: The Project Applicant shall provide documentation to the Department of Planning and Land Use that either alone or in conjunction with other developers similarly conditioned, the Project Applicant has caused: 1) a financing mechanism to be in place and has further committed to pay the project's fair share of the financing to fund and construct a turn-key, permanent Sheriff's Substation facility, and an interim, temporary Sheriff's Substation facility; 2) a parcel of land to be acquired and dedicated to the County of San Diego as the permanent site for the required Sheriff's Substation or a parcel of land to be under contract for conveyance to the County of San Diego at no cost to the County subject only to the payment of an agreed upon purchase price by the CFD; and 3) a permanent or temporary turn-key Sheriff's Substation facility to be available for use.

Timing: Prior to occupancy or use and reliance of the premises pursuant to this Use Permit or Site Plan [or, in the case of a tentative map, prior to recordation of the Final Map], the Sheriff's Substation shall be available for use in accordance with the above requirements.

Monitoring: The DPLU and Sheriff's Department shall review the submitted documentation. If, upon review, DPLU and the Sheriff's Department determine the documentation demonstrates conformance with this condition, the DPLU and Sheriff's Department shall approve the documentation and deem the condition satisfied.

7.2.7 Lighting Project Design Measures

Lighting would adhere to the County Dark Sky Ordinance and would be properly shielded to prevent light trespass. Lighting would be energy efficient and lighting controls would be utilized. The project would utilize daylight through sky lights and windows, where feasible.